

*C-013P -- DoD Developed Definitions for Providing Humane Treatment*

**(U) RECOMMENDATION/OBSERVATION**

Develop DoD level definitions for providing humane treatment of all detainees.

**(U) CURRENT ASSESSMENT:**

- OGC is working with ODA/USD(P) to develop a standard of care that would be the minimum requirement for “humane treatment.”
- Also working with 2310.1 DoDD coordination to develop definition for inclusion in the DoDD.

**OPR: OUSD(P)**

**OCR: OUSD(P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop higher level definition of “humane treatment” to decrease confusion in the field.**

**Action: OGC handling and 2310.1 DoDD being coordinated in near term.**

**Change:**

*C 014 Special Interrogation of  
ISN 760-Mohamedou Ould Slahi at GTMO*



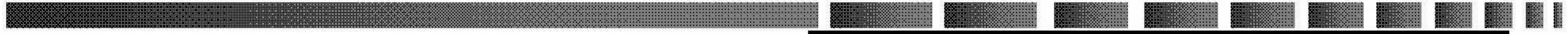
(b)(1), (b)(5)

FIX/ACTION/CHANGE:  
**Fix: (U) Investigate allegation.**

(b)(1), (b)(5)



*C-015 Use of Chaining at GTMO*



**OPR: SOUTHCOM**  
**OCR:**

## *C 016 Possible Sleep Deprivation at GTMO*

(b)(1), (b)(5)



## C 017 Sexual Acts or Mock Sexual Acts at GTMO

### (U) RECOMMENDATION

- **(U) Sexual Acts or Mock Sexual Acts (GTMO):** A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainees lap... [W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.
- **(U)** We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]

(b)(1),(b)(5)

FIX/ACTION/CHANGE:  
**Fix: (U) Investigate allegations.**

(b)(1),(b)(5)

OPR: SOUTHCOM

OCR:



**(x) RECOMMENDATION/OBSERVATION**

(b)(1), (b)(5)

[Redacted content]

**(x) FIX/ACTION/CHANGE:**

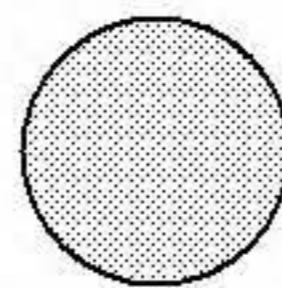
Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

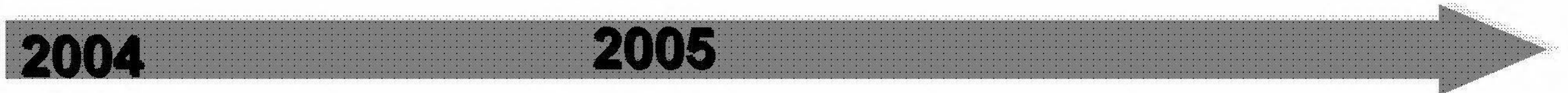
**(x) CURRENT ASSESSMENT:**

OPR: Army  
OCR: None



**2004**

**2005**





# C-022 / Accountability

## (x) RECOMMENDATION/OBSERVATION

(b)(1), (b)(5)

[Redacted content]

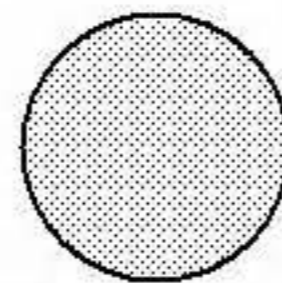
## (x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

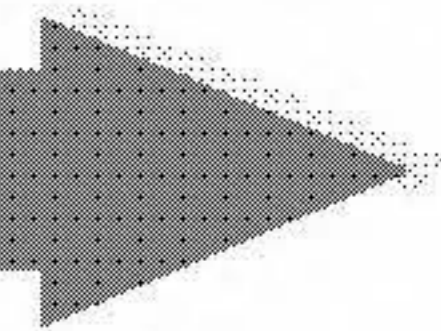
## (x) CURRENT ASSESSMENT:



OPR: Army  
OCR: None

2004

2005



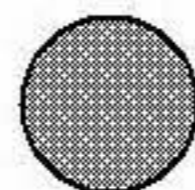


**(x) RECOMMENDATION/OBSERVATION**

(b)(1), (b)(5)

[Redacted content]

**(x) CURRENT ASSESSMENT:**



OPR: Army

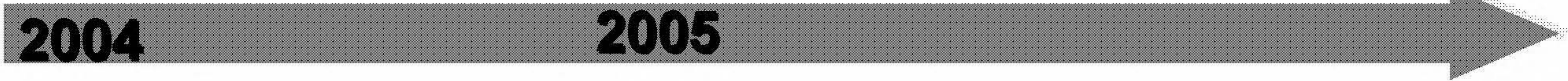
OCR: None

**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence

Change: A search of CID files and databases did not identify any information concerning this allegation—case closed

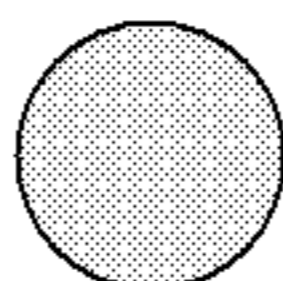




**(x) RECOMMENDATION/OBSERVATION**

~~(FOUO)~~ Suspected abuse reported by medical personnel (Iraq): Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.

**(x) CURRENT ASSESSMENT:**



OPR: Army

OCR: None

**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

*Ongoing-Aug*

**2004**

**2005**

CID is investigating 2 cases and 2 cases were referred to NCIS





*Issue Title (Reassignment of Military Personnel):  
C-026 CHURCH REPORT pg. 236*

**(U) RECOMMENDATION / OBSERVATION:**

We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed. Review service and COCOM assignment processes to ensure that military personnel under investigation, but eligible for reassignment are held pending investigator's determination.

**(S) CURRENT ASSESSMENT**

(b)(1),(b)(5)

**(S) FIX / ACTION / CHANGE:**

(b)(1),(b)(5)

OPR: CENTCOM

OCR:



*C-027P -- Common Guidance to Military and DoD Agencies*

**(U) RECOMMENDATION/OBSERVATION**

Common guidance is needed for use by all military departments and all DoD agencies regarding the practical effects of the President's 7 Feb 02 determination of "military necessity" and its impact in handling detainees under GPW.

**(U) CURRENT ASSESSMENT:**

- This matter, and other broader government issues impacting the war on Islamic extremism, have been brought to the Deputy, NSA.

**OPR: OUSD(P)**

**OCR: OUSD(P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Provide common guidance to all military developments and DoD agencies.**

**Action: OUSD(P) has reached out to Deputy, NSA on this and other related matters.**

**Change:**



## *C-028P -- Standard Reporting/Investigating of Claims of Detainee Abuse*

### **(U) RECOMMENDATION/OBSERVATION**

Establish standard reporting and investigating procedures for handling claims of detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- DoDD 5100.77 and USD(I) directives reiterate the need to report, and “how” to report abuses.
- CENTCOM issued FRAGO dealing with a set standard manner for reporting any abuse against a detainee (Coalition on Detainee, or ISF on Detainee) in theater.
- Doctrine and Training also reiterates a need to report suspected abuses.

**OPR: OUSD(P)**

**OCR: OUSD(P)**

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for standard procedures for identifying and reporting detainee abuse and investigating allegations that are legitimate.**

**Action: DoDD directives, training, doctrine, CENTCOM FRAGO’s all address mandatory reporting and identification of legitimate abuse allegations.**

**Change: Completed**





*Issue Title (Dissemination of Policy):*  
**C-029 CHURCH REPORT pg. 275-276, 277**

**(U) RECOMMENDATION / OBSERVATION:**

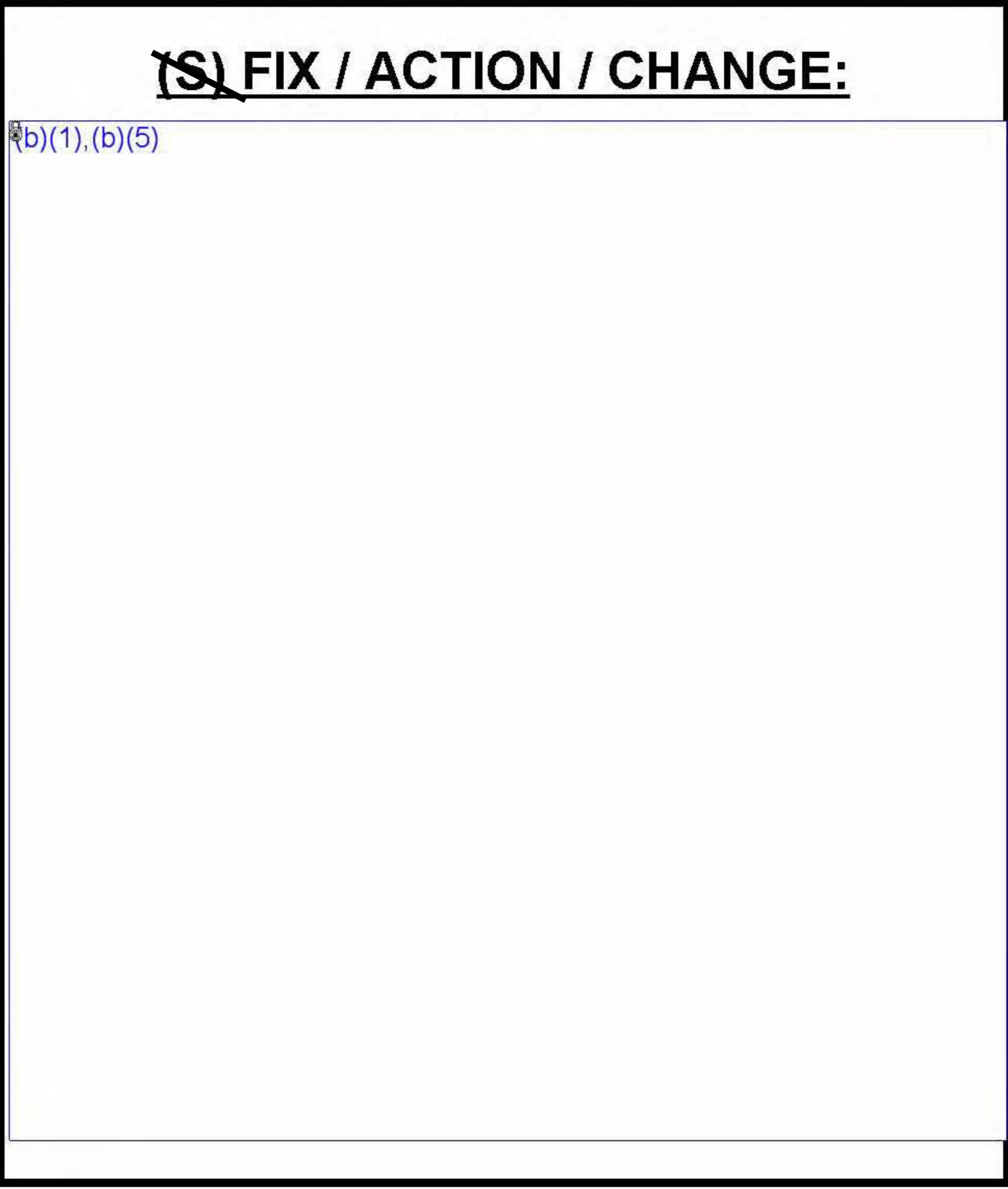
Dissemination of approved interrogation policies from theater headquarters to individual units was ineffective, resulting in widespread lack of awareness of which techniques were currently authorized... [The breakdown of dissemination was pervasive at the unit level... and, we believe, stemmed in large part from a reliance on SIPRNET... to disseminate CJTF-7 policy memos to the field. In short, effective dissemination of CJTF-7 interrogation policies appeared to rely largely on timely posting of the memoranda to SIPRNET web sites; reliable SIPRNET connectivity of widely dispersed forces under often-hostile conditions in the field; and initiative on the part of units in the field to access SIPRNET to download interrogation guidance. Although this may have been backed up by distribution of hardcopy memoranda through normal command channels, our interviews revealed that the chain frequently broke down. Review efficiency of using SIPRNET to disseminate interrogation policy and consider development, implementation, and use of alternative means, as required. [While this appears to duplicate C-003, the discussion points to the need to examine reliance on SIPRNET— a specific subset of the greater problem.]

(b)(1), (b)(5)



**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1), (b)(5)



OPR: CENTCOM

OCR:





*Issue Title (Compliance with Interrogation Policy): C-030 CHURCH REPORT pg. 10, 166, 168-169, 192, 215, 276-277, 303*

**(U) RECOMMENDATION / OBSERVATION:**

Another key finding [that represents a missed opportunity to control the application of interrogation techniques in Iraq]. Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Need to improve compliance via policy, doctrine, and monitoring changes.

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1),(b)(5)

**~~(S)~~ CURRENT ASSESSMENT**

(b)(1),(b)(5)

OPR: CENTCOM

OCR:



## *C-031P -- Clarifying Roles/Limits of Interpreters in Interrogations*

### **(U) RECOMMENDATION/OBSERVATION**

Doctrine should more clearly define the roles and limits of interpreters in interrogations (i.e., contract interpreters).

### **(U) CURRENT ASSESSMENT:**

- USD(I) has in coordination a policy document to define doctrine and roles of interrogators.
- OUSD(P) assisting as needed.

**OPR: OUSD(P)**

**OCR: OUSD(P)**

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for clear definition of roles and limits of interpreters in the conduct of interrogations.**

**Action: USD(I) addressing with specific policy document.**

**Change: Completed**



*C-032P – Dissemination and Applicability of US Guidance to Coalition*

**(U) RECOMMENDATION/OBSERVATION**

Need to clarify the applicability, coordination, dissemination, implementation of, and compliance with USG interrogation policy in Multi-National and Coalition Force operations.

**(U) CURRENT ASSESSMENT:**

- USD(I) has in coordination a policy document that addresses reporting and doctrine conditions regarding HUMINT collection DoDD.
- OUSD(P) assisting as needed.

**OPR: OUSD(P)**  
**OCR: OUSD(P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Need for clarity, coordination, dissemination, and compliance by all Multi-National and Coalition Forces.**

**Action: USD(I) addressing with specific policy document.**

**Change: In progress**





*Issue Title (Maltreatment by Iraqi National Guard Forces.*

*C-033 CHURCH REPORT pg. 306*

**(U) RECOMMENDATION / OBSERVATION:**

Our interviews revealed persistent allegations and rumors of detainee maltreatment by Iraqi National Guard forces. These allegations have troubling implications that warrant further study and action.

**(S) CURRENT ASSESSMENT**

(b)(1),(b)(5)

**(S) FIX / ACTION / CHANGE:**

(b)(1),(b)(5)

OPR: CENTCOM

OCR:



## *C-034P – Training Contractors in DoD Interrogation/Detention Operations*

### **(U) RECOMMENDATION/OBSERVATION**

Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations, including theater-specific knowledge, GC, and Law of Armed Conflict.

### **(U) CURRENT ASSESSMENT:**

- • OSD disagrees with task to Policy as OPR.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.
- Training matters may also be addressed through dissemination of DoDD 2310.1.

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for DoD policy regarding Training for contractors supporting DoD interrogations and detention operations.**

**Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern not best addressed through policy alone.**

**Change: In progress**

**OPR: OUSD(P)  
OCR: OUSD(P)**



## *C-035P – Prosecution Loopholes for DoD Contractors*

### **(U) RECOMMENDATION/OBSERVATION**

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- OSD disagrees with task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.**

**Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.**

**Change: In progress**

**OPR: OUSD(P)  
OCR: OUSD(P)**



## *C-036P – Prosecution Loopholes for DoD Contractors*

### **(U) RECOMMENDATION/OBSERVATION**

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- • OSD disagrees with assigned task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.**

**Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.**

**Change: In progress**

**OPR: OUSD(P)  
OCR: OUSD(P)**



## *C-037P – Standard Contract Clauses for Detention-Related Operations*

### **(U) RECOMMENDATION/OBSERVATION**

DoD directed development of an appropriate standard clause (or set of clauses) for detention related contracts needed to ensure widespread understanding of exactly “how” DoD must exercise control over contractors in order to prevent potential detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- “Detention-related contract clauses” may be best addressed through LC, OGC, as they are not policy problems per se.
- To extend that standards of conduct are addressed in revised version of DoDD 2310.1, and the proposed USD(I), DoDD on HUMINT, the concerns about policy changes may be alleviated.
- Recommend OGC and LC as lead.

### **(U) FIX/ACTION/CHANGE:**

**Fix: Need for standard contract clauses for contractors involved in detention-related operations in order to prevent potential detainee abuse.**

**Action: Review assignment of OUSD(P) as lead OPR, suggest matter is mainly a legal concern.**

**Change: In progress**

**OPR: OUSD(P)  
OCR: OUSD(P)**



*C-038P – Formalize Inter-agency Procedures re: DoD Support to OGA’s*

**(U) RECOMMENDATION/OBSERVATION**

Identify and, as required, develop formal inter-agency procedures to codify or formalize the process of DoD support to OGA’s re: operations overseas.

**(U) CURRENT ASSESSMENT:**

- Concern has been raised by USD(P) in a memo to Deputy, NSA.

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop formal inter-agency procedures to formalize DoD support to OGA’s during overseas operations.**

**Action: Inter-agency matter raised with Deputy, NSA.**

**Change: Addressed**

**OPR: OUSD(P)**

**OCR: OUSD(P)**



*C-039P – Develop Guidance DoD-CIA Relationship*

**(U) RECOMMENDATION/OBSERVATION**

Develop guidance and implementing instructions governing the DoD-CIA relationship and cooperative intelligence gathering efforts.

**(U) CURRENT ASSESSMENT:**

- Concern has been raised by USD(P) in a memo to Deputy, NSA.
- Inter-agency coordination done through NSC-staff.

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop guidance and implementing instructions governing DoD-CIA relationship and cooperative intelligence gathering efforts.**

**Action: Inter-agency problem raised with Deputy, NSA.**

**Change: Addressed**

**OPR: OUSD(P)**

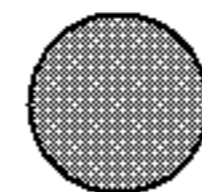
**OCR: OUSD(P)**



**(x) RECOMMENDATION/OBSERVATION**

- AFG-Medical personnel were not equipped to fully comply with all doctrinal requirements for detainee medical care. For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.
- HQDA DODOIP Task: D7, T7, M3.1

**(x) CURRENT ASSESSMENT:**



OPR: Army  
OCR: J4, J5

**(x) FIX/ACTION/CHANGE:**

Fix: Equipping for medical personnel ISO detainee operations

Action: Align equipping with doctrinal requirements and update/develop TOE/equipment sets

Change: Medical units or facilities provided organic equipment or standard equipment sets to meet all medical requirements ISO detainee operations

MAR

JUN

2004

2005

MEDCOM, completed assessment and developed required force template for MED support

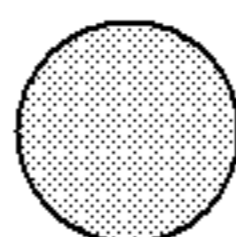
All deploying medical units use force template and are equipped to provide Level-4 (long-term) care



**(x) RECOMMENDATION/OBSERVATION**

- Concerns that medical personnel may have misrepresented detainee injuries
- HQDA DODOIP Task:

**(x) CURRENT ASSESSMENT:**



**OPR: Army**

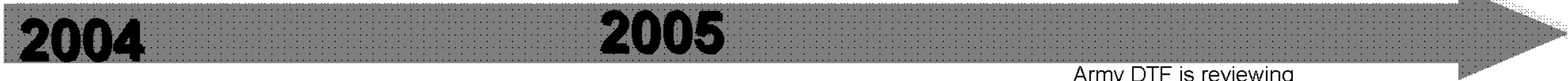
**OCR: None**

**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

Action: The Army conducted a thorough assessment of abuse

Change: Final Disposition



**AUG**

Army DTF is reviewing the OTSG/MEDCOM report and trip reports for corroborating evidence





# **Lt Gen Schmidt & BG Furlow Report**

## **27 Findings**

### **(Provisional Recommendations)**



## *SF-01 "Impersonation of FBI Special Agent"*

### PROBLEM

(U) "That DoD interrogators improperly impersonated FBI agents or Department of State officers during the interrogation of detainees."

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### RECOMMENDATION

(U) The allegation should be closed. The technique, while authorized, was undermining the inter-agency working relationship. No additional corrective action is necessary or appropriate.

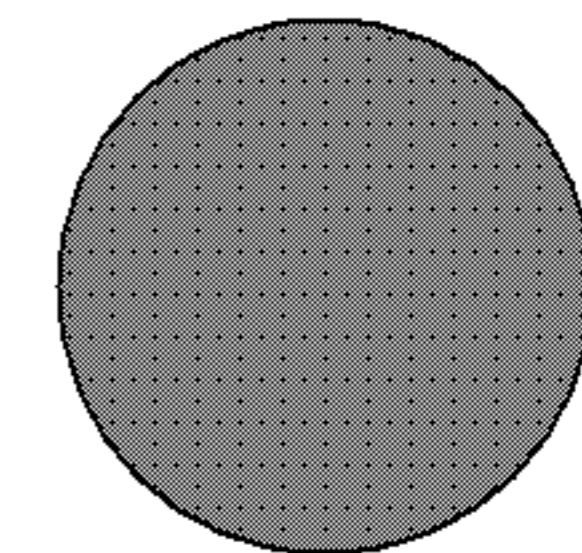
**OPR: SOUTHCOM**  
**OCR: USD(I)**

### FIX/ACTION/CHANGE:

*Fix:*

*Action:*

*Change:*





*SF-02 "Lap Dance"***PROBLEM**

(U) "That a female military interrogator performed a "lap dance" on a detainee during an interrogation. I have expanded this allegation to "That female military interrogators performed acts designed to take advantage of their gender in relation to Muslim males."

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**RECOMMENDATION**

(U) Command action was effective and sufficient with respect to the individual interrogators. AR 15-6 recommends that the approval authority for the use of gender coercion as futility technique be withheld to the JTF GTMO-CG.

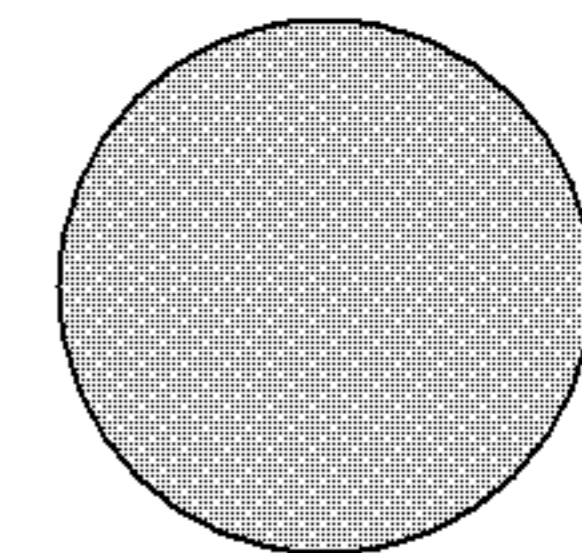
**OPR: SOUTHCOM**  
**OCR: USD(I)**

**FIX/ACTION/CHANGE:**

**Fix:**

**Action:**

**Change:**





*SF-03 "Menstrual Blood"***PROBLEM**

(U) "That a female military interrogator wiped "menstrual blood" on a detainee during an interrogation."

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**RECOMMENDATION**

(U) Command action was inadequate with respect to the individual interrogator. The interrogator should have been formally admonished or reprimanded for using a technique that was not approved in advance. Advance approval ensures that retaliatory techniques are not employed on impulse. Considering the lapse in time, recommend this allegation be closed.

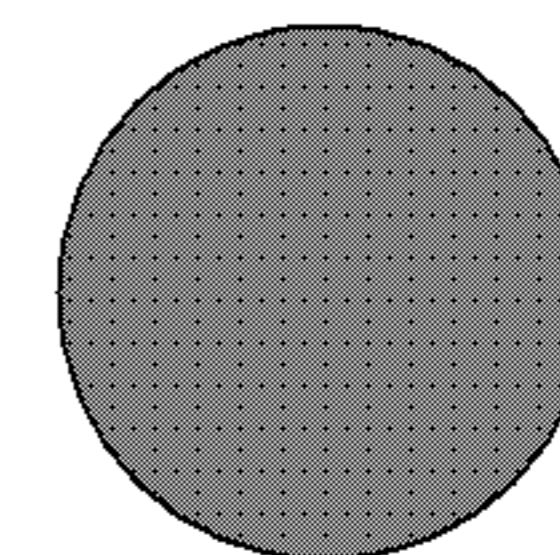
**OPR: SOUTHCOM**  
**OCR:**

**FIX/ACTION/CHANGE:**

**Fix:**

**Action:**

**Change:**



*SF-04 "Loud Music"*

PROBLEM

(U) "That DoD interrogators improperly played loud music and yelled at detainees."

---

RECOMMENDATION

(U) The allegation should be closed. Recommend JTF-GTMO develop specific guidance on the length of time that a detainee may be subjected to futility music. Placement of a detainee in the interrogation booth and subjecting him to loud music and strobe lights should be limited and conducted within clearly prescribed limits.

**OPR: SOUTHCOM**  
**OCR: USD(I)**

<p><b><u>FIX/ACTION/CHANGE:</u></b></p> <p><b><u>Fix:</u></b></p> <p><b><u>Action:</u></b></p> <p><b><u>Change:</u></b></p>
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